

AMENDED IN SENATE APRIL 9, 2008

**SENATE BILL**

**No. 1147**

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**Introduced by Senators Calderon and Yee**

February 4, 2008

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An act to amend Section 14029.5 of, and to add Section 14011.95 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1147, as amended, Calderon. Medi-Cal: eligibility: juvenile offenders.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

This bill would specify that inmate status shall not be used to terminate the eligibility of a child under the Medi-Cal program, and would require the department to establish the protocols and procedures necessary to ensure that Medi-Cal eligibility is not terminated in violation of that requirement.

Existing law requires a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and requires the county to initiate an application and determine the individual's eligibility for the Medi-Cal program. *Existing law also requires a county juvenile detention facility, prior to providing the information to the county welfare department, to notify the parent or guardian of a ward who is a minor of its intention to submit the information. Existing law*

*requires the parent or guardian be given a reasonable time to opt out of the Medi-Cal determination.*

*This bill would require, no later than July 1, 2009, the department, in consultation with specified stakeholders, to develop a model notification letter for use by the juvenile detention facilities to notify a parent or guardian of a ward who is a minor of its intent to submit the information described above, and would limit that the requirement that a county welfare department initiate an application for any ward to, instead, apply to any ward not already enrolled in the Medi-Cal program. This bill would also provide that if the cooperation of the minor's parent or guardian is necessary to complete fails to cooperate in completing the application, the county shall not be required to process the application until that cooperation has been provided deny the application in accordance with due process requirements.*

*The bill would further require the department, no later than January 1, 2010, and after the development and dissemination of the model notification letter described above, to convene a workgroup comprised of specified members to review the implementation of these provisions and, if appropriate, to make specified recommendations, as provided.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14011.95 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 14011.95. (a) For purposes of this section, "child" means any
- 4 individual who meets the definition of "child" contained in Section
- 5 50030 of Title 22 of the California Code of Regulations.
- 6 (b) Inmate status shall not be used to terminate the eligibility
- 7 of a child under the Medi-Cal program.
- 8 (c) Commencing January 1, 2009, the department, in
- 9 consultation with the Chief Probation Officers of California and
- 10 the County Welfare Directors Association, shall establish the
- 11 protocols and procedures necessary to ensure both of the following:
- 12 (1) Medi-Cal eligibility is not terminated in violation of this
- 13 section.
- 14 (2) Claims for Medicaid-covered health care services pursuant
- 15 to paragraph (1) of subdivision (b) of Section 14053 are made only
- 16 when federal financial participation is available.

(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all-county letters or similar instructions, without taking any further regulatory action. Thereafter, but no later than January 1, 2011, the department shall adopt regulations, as necessary, to implement this section in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 14029.5 of the Welfare and Institutions Code is amended to read:

14029.5. (a) (1) Commencing January 1, 2008, immediately following the issuance of an order of the juvenile court, pertaining to the disposition of a ward of the county, committing that ward to a juvenile hall, camp, or ranch for 30 days or longer, the county juvenile detention facility shall provide the appropriate county welfare department with the ward's name, his or her scheduled or actual release date, any known information regarding the ward's Medi-Cal status prior to disposition, and sufficient information, when available, for the county welfare department to begin the process of determining the ward's eligibility for benefits under this chapter, including, if the ward is a minor, contact information for the ward's parent or guardian, if available.

(2) (A) If the ward is a minor, prior to providing information to the county welfare department pursuant to paragraph (1), the county juvenile detention facility shall notify the parent or guardian, in writing, of its intention to submit the information required by that paragraph to the county welfare department. The parent or guardian shall be given a reasonable time to opt out of the Medi-Cal eligibility determination provided for under this section, in which case the county juvenile detention facility shall not comply with paragraph (1).

(B) *No later than July 1, 2009, the department shall, in consultation with stakeholders, including, but not limited to, county probation departments, county human services agencies, and consumer advocates, develop a model notification letter for use by juvenile detention facilities to meet the requirements of subparagraph (A).*

(3) For purposes of this section, "ward" means a person in the custody of a county juvenile detention facility.

(b) (1) Upon receipt of the information described in paragraph (1) of subdivision (a), and pursuant to the protocols and procedures developed pursuant to subdivision (c) the county welfare department shall initiate an application for any ward not already enrolled in the Medi-Cal program, and determine the individual's eligibility for benefits under the Medi-Cal program. If the ward is a minor, the county welfare department shall promptly contact the parent or guardian to arrange for completion of the application. If the cooperation of the minor's parent or guardian is necessary to complete *fails to cooperate in completing* the application, the county welfare department shall ~~not be required to process the application until that cooperation has been provided~~ *deny the application in accordance with due process requirements*. The county shall expedite the application of a ward who, according to the information provided pursuant to paragraph (1) of subdivision (a), is scheduled to be released in fewer than 45 days.

(2) If the county welfare department determines that the ward does not meet the eligibility requirements for the Medi-Cal program, the county welfare department, with the consent of the ward's parent or guardian, if the ward is a minor, shall forward the ward's information to the appropriate entity to determine eligibility for the Healthy Families Program, or other appropriate health coverage program, as determined by the department.

(3) If the county welfare department determines that a ward meets eligibility requirements for the Medi-Cal program, the county shall provide sufficient documentation to enable the ward to obtain necessary medical care upon his or her release from custody.

~~(e) By June 1, 2007, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, shall establish the protocols and procedures necessary to implement this section.~~

*(c) (1) No later than January 1, 2010, and after the development and dissemination of the model notification letter, as required by subparagraph (B) of paragraph (2) of subdivision (a), the department shall convene a workgroup for the purpose of reviewing the implementation of this section, and making recommendations, if appropriate, to increase the rate of successful eligibility determinations and minimize county administrative burden. The workgroup shall consider, at a minimum, whether to recommend*

1 *an opt-in, rather than an opt-out, process for parents of wards*  
2 *who are minors.*

3 *(2) The workgroup shall include representatives of the Chief*  
4 *Probation Officers of California and the County Welfare Directors*  
5 *Association, legislative staff, and consumer advocates.*

6 (d) Notwithstanding Chapter 3.5 (commencing with Section  
7 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
8 the department shall implement this section by means of all-county  
9 letters or similar instructions, without taking any further regulatory  
10 action. Thereafter, the department shall adopt regulations, as  
11 necessary, to implement this section in accordance with the  
12 requirements of Chapter 3.5 (commencing with Section 11340) of  
13 Part 1 of Division 3 of Title 2 of the Government Code.

14 (e) The department shall seek any federal waivers necessary for  
15 the implementation of this section.

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18 **CORRECTIONS:**

19 **Text—Page 3.**  
20